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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,028	06/18/2001	Kazuo Yoshioka	2257-0188P-SP	8801
2292	7590	05/06/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FISH, JAMIESON W	
			ART UNIT	PAPER NUMBER

2616

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/882,028		YOSHIOKA, KAZUO	
	Examiner		Art Unit	
	Jamieson W. Fish		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/01 and 9/9/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 6-18-2001 and 9-9-2003 have been considered by the examiner.

Drawings

2. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities: "judgement" on line 8 should be replaced with "judgment." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims **1-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (US 5,901,339).

6. Regarding claim **1**, Saito teaches a receiver comprising: a receiving section for receiving a first communication signal constituting contents through a first communication system (See Figs. 2-22 Data Receiving Device and Col. 4 lines 6-21); a transmitting and receiving section requesting a transmission of a second communication signal containing release information and receiving said second communication signal through a second communication system enabling bi-directional communications (See Figs. 2-22 Data Communication Device and Col. 4 lines 22-42); a matching correlation detection section for making a judgment as to whether or not said release information has a predetermined matching correlation with limitation information for limiting a normal output of said contents (See Col. 3 lines 39-47, Col. 4 lines 22-42); and an output section refraining from normally outputting at least one portion of said contents when said predetermined matching correlation is not detected, and outputting said contents normally when said predetermined matching correlation is detected (See Col. 3 lines 8-19 Col. 4 lines 22-42).

7. Regarding claim **2**, Saito teaches wherein said first communication signal contains transmission source information for specifying a transmission source in order to obtain said release information that has said predetermined matching correlation with said limitation information corresponding to said contents constituted by said first communication signal (See Fig. 6 Col. 7 lines 46-57 Broadcast contains program number (transmission source). This number is used to receive the decode data

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(release information)), and wherein said receiver receives said second communication signal automatically by obtaining said transmission source information contained in said first communication signal (See Fig. 6 Col. 7 lines 46-57 Once the user requests a program, the program number is obtained, and the decode data is automatically sent).

8. Regarding claim 3, Saito teaches the receiver further comprising: a storing section for storing said release information and discrimination information for discriminating said contents (See Fig. 12 and Col. 9 lines 45-67, Col. 10 lines 1-3 Decode data and decode data number are stored ahead of time. The decode data number discriminates contents), wherein said receiver receives said contents corresponding to said discrimination information stored in said storage section as said first communication signal, and, outputs said contents normally when said release information stored in said storage section and said limitation information corresponding to said contents have said predetermined matching correlation (See Fig. 12 and Col. 9 lines 45-67, Col. 10 lines 1-3).

9. Regarding claim 4, Saito teaches the receiver further comprising an accumulation section for accumulating said first communication signal (See Col. 4 lines 37-42 Recording device).

10. Regarding claim 5, Saito teaches wherein said storage section stores said first communication signal on condition that said contents corresponding to said discrimination information stored in said storage section as said first communication signal (See Col. 4 lines 37-42, Col. 9 lines 45-67, Col. 10 lines 1-3).

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11. Regarding claim 6, Saito teaches wherein said storage section stores said first communication signal on additional condition that said release information stored in said storage section and said limitation information corresponding to said contents have said predetermined matching correlation (See Col. 4 lines 37-42, Col. 9 lines 45-67, Col. 10 lines 1-3).

12. Regarding claim 7, Saito teaches wherein said first communication signal contains said limitation information corresponding to said contents constituted by said first communication signal (See Col. 3 lines 39-47 The contents are scrambled. This is limitation information).

13. Regarding claim 8, Saito teaches wherein said output section indicates that said communication is being carried out through said second communication system upon request and receipt of said second communication signal (See Col. 4 lines 22-42 When the decoding data is received, the output section shows the program in a descrambled format. This is indicating that said communication is being carried out).

14. Regarding claim 9, Saito teaches wherein said contents include video data (See Col. 1 lines 54-58).

15. Regarding claim 10, Saito teaches wherein said contents include music data (See Col. 1 lines 54-58).

16. Regarding claim 11, Saito teaches wherein said contents include program data (See Col. 1 lines 54-58 The programs themselves are program data).

17. Regarding claim 12, Saito teaches a distribution method of release information comprising the step of: when release information has a predetermined matching

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correlation with limitation information for limiting a normal output of contents supplied through a first communication system, distributing said release information for allowing said contents to be normally outputted through a second communication system enabling bi-directional communications (Col. 4 lines 22-42).

18. Regarding claim **13**, Saito teaches wherein the distribution of said release information is executed in response to a predetermined request (Col. 4 lines 22-42).

19. Regarding claim **14**, Saito teaches a distribution method of contents, which distributes said contents through a first communication system, wherein said contents are supplied together with transmission source information for specifying a transmission source for a second communication system that enables bi-directional communications (See Fig. 6 Col. 7 lines 46-57 Broadcast contains program number (transmission source). This number is used to receive the decode data (release information)), and wherein release information which allows said contents to be normally outputted is obtained from said transmission source when said release information has a predetermined matching correlation with limitation information for limiting a normal output of said contents (See Fig. 6 Col. 7 lines 46-57).

20. Regarding claim **15**, Saito teaches wherein said contents are distributed together with said limitation information corresponding to said contents (See Col. 7 lines 46-57 Program is sent as a scrambled signal. A scrambled signal is a signal where limitation information is distributed together with contents).

Conclusion

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.
22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 4/19/05


NGOC-YEN VU
PRIMARY EXAMINER